

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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STEPHEN G. COOKE,

Plaintiff,

v.

NANCY A. BERRYHILL,
ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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ORDER

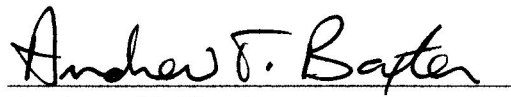
Civil Action
No. 18-1080
(ATB)

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that this case be remanded to the Commissioner for further proceedings and a new decision, pursuant to the fourth sentence of 42 U.S.C. § 405(g). Should the Appeals Council remand to an ALJ, upon remand, the ALJ will conduct further proceedings and develop the administrative record as necessary to determine whether Plaintiff is disabled within the meaning of the Social Security Act, including offering plaintiff a new hearing, and issuing a new decision.

Therefore, the parties having consented to the within order and the Court having considered the matter,

IT IS on this 4th day of April, 2019;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g), for the further administrative action set forth above, and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).



Andrew T. Baxter
U.S. Magistrate Judge

The undersigned hereby consent to the form and entry of the within order.

Dated: New York, New York
April 3, 2019

GRANT C. JAQUITH
Acting United States Attorney

By: /s/ Ariella Zoltan
Ariella Zoltan
Special Assistant U.S. Attorney
Bar No. 520077
Attorney for Defendant

Dated: Orchard Park, New York
April 3, 2019

By: /s/ Catherine I. Lynch
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